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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,610	09/28/2006	Daniel Baertschi	1204.1131101	5005
28075	7590	11/13/2008	EXAMINER	
CROMPTON, SEAGER & TUFT, LLC			CULLER, JILL E	
1221 NICOLLET AVENUE			ART UNIT	PAPER NUMBER
SUITE 800				2854
MINNEAPOLIS, MN 55403-2420			MAIL DATE	DELIVERY MODE
			11/13/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/594,610	BAERTSCHI ET AL.
	<b>Examiner</b>	Art Unit
	JILL E. CULLER	2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 02 July 2008.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 9-15 is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) 8 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 September 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/146/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,655,280 to Cartellieri et al.

With respect to claim 1, Cartellieri et al. teaches an ink fountain, 5, for a printing machine, having a base with a blade holder, in which said blade holder comprises a number of adjacent sectors, 11-13, which can be moved by adjusting means in order to vary the distance between said sectors and the circumference of an ink fountain roller, 1, said ink fountain additionally comprising a blade, 3, which is interposed between said sectors and the circumference of the ink fountain roller and which has a continuous edge intended to maintain a defined ink thickness on the ink fountain roller, the ink thickness being adjusted by said continuous edge of the blade and defined by the position of said sectors, which is transmitted to said blade, wherein said blade rests along a plane thereof directly on a surface of said sectors and is held fixedly with respect to said blade holder. See column 3, line 64 - column 4, line 28 and Figs. 1-4.

With respect to claim 7, Cartellieri et al. teaches the sectors are moved by rotation. See column 5, lines 5-8 and Fig. 5.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cartellieri et al. in view of U.S. Patent No. 5,778,785 to Blackwell.

Cartellieri et al. teaches all that is claimed, as in the above rejection of claims 1 and 7, except that the blade is a metal blade and includes a ceramic deposit to reinforce said edge of the blade.

Blackwell teaches an ink fountain having a doctor blade wherein the blade is a metal blade and includes a ceramic deposit to reinforce said edge of the blade. See column 3, line 60 - column 4, line 6 and column 4, lines 32-37.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Cartellieri et al. to have a metal and ceramic blade, as taught by Blackwell, in order to better maintain the ink thickness.

5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cartellieri et al. in view of U.S. Patent No. 5,662,043 to Fischer et al.

With respect to claims 4-5, Cartellieri et al. teaches all that is claimed, as in the above rejection of claims 1 and 7, except that the blade is screwed into the blade holder, and therefore held on the blade holder by a fastening piece.

Fischer et al. teaches an ink fountain having a blade, 11, screwed into a blade holder, 3, and therefore held on the blade holder by a fastening piece. See column 3, lines 13-18 and Fig. 1.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Cartellieri et al. to attach the blade to the blade holder using screws, as taught by Fischer et al., in order to securely connect the two parts of the apparatus.

With respect to claim 6, Cartellieri et al. teaches all that is claimed, as in the above rejection of claims 1 and 7, except that the sectors are moved by deformation.

Fischer et al. teaches an ink fountain having an adjacent number of sectors, 11, which are moved by deformation. See column 2, lines 55 - 67 and Fig. 1.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Cartellieri et al. to move the blades by deformation in order to individually control the distance of each blade from the roller.

#### ***Allowable Subject Matter***

6. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach or render obvious an inking fountain as claimed, particularly wherein a deformable plastic is deposited between the sectors to improve the sealing between them.

7. Claims 9-15 are allowed. The following is an examiner's statement of reasons for allowance:

The prior art does not teach or render obvious an inking fountain as claimed, particularly wherein a deformable plastic is deposited between the sectors to improve the sealing between them.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### *Response to Arguments*

8. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JILL E. CULLER whose telephone number is (571)272-2159. The examiner can normally be reached on M-F 10:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jec

/Jill E. Culler/  
Primary Examiner, Art Unit 2854